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February 13, 2020

Honorable Delores G. Kelley Chair,  
Senate Finance Committee  
3 East, Miller Senate Office Building  
Annapolis, MD 21401

## **RE: SB 233 - Business Regulation – Flavored Tobacco Products – Prohibitions – Letter of Support**

Dear Chair Kelley and Committee Members:

The Maryland State Advisory Council on Health and Wellness (the Council) is submitting this letter of support for Senate Bill 233 (SB 233), titled: “Business Regulation – Flavored Tobacco Products – Prohibitions.” SB 233 is an emergency bill that prohibits businesses licensed to manufacture, sell, buy, and store tobacco products from manufacturing, shipping, importing, or selling any flavored tobacco products, which include cigarettes, electronic smoking devices (ESDs), and other tobacco products. SB 233 also prohibits the sale of such products online and in vending machines. The Council extends its support for SB 233, as it seeks to promote health and prevent disease by ending the sale of flavored tobacco products.

With over 15,500 types available, flavored ESDs are a driving force behind the youth vaping epidemic, which has significantly impacted young people in Maryland. One in four Maryland high school students reported current ESD use during the 2018-2019 school year, a 73 percent increase from 2016-2017.<sup>2</sup> Of these students, 97 percent reported using flavors other than tobacco.<sup>1</sup> Many youth report being unaware that most ESDs contain nicotine, even those that are candy- or fruit-flavored, which can have especially negative health consequences for young people. Because brain development is ongoing until roughly age 25, the effects of nicotine consumed during adolescence and early adulthood are more harmful than later in life. Such effects can include acute nicotine addiction, reduced impulse control, deficits in attention and cognition, mood disorders, and a predisposition for use of other addictive substances.<sup>ii</sup>

The Council agrees with the following statements as they relate to the passage of SB 233:

- Following the 2009 federal ban on flavored cigarettes (except menthol), the likelihood of youth initiating any form of tobacco use dropped six percent, demonstrating the impact flavor bans can have.<sup>iii</sup>
- Flavored tobacco products are not marketed and sold uniformly across the U.S., as marketing for menthol products as well as little cigars/cigarillos is more prevalent in low-income and African American neighborhoods.<sup>iv</sup>
- Flavored tobacco products, particularly menthol cigarettes, are used at disproportionately higher rates by racial and ethnic minorities, individuals of lower socioeconomic-status, teen smokers, and individuals who identify as LGBTQ,<sup>v,vi</sup> leading to health disparities among vulnerable populations.
- Flavors such as menthol can make quitting tobacco products more difficult.<sup>vii</sup>

- Despite research that supports their equal potential for harm, flavored tobacco products are widely seen as less dangerous than non-flavored. A study on the effects of exposure to flavored and non-flavored cigar smoke on lung tissue showed comparable levels of toxicity and cell death.<sup>viii</sup>
- Many compounds used to flavor ESDs have not been determined safe for consumption when heated and inhaled. In fact, many flavors that have been tested revealed damaging effects, including toxic effects on the lungs and changes in inflammatory responses.<sup>ix,x</sup>
- People who use flavored ESDs are more likely to report greater satisfaction and self-perceived addiction than users of non-flavored ESDs.<sup>xi</sup>

The Council respectfully urges this Committee to approve SB 233 as a critical public health measure to reverse alarming trends in youth tobacco use driven by widespread availability of flavored ESDs and other tobacco products. SB 233 merits consideration and approval as it seeks to ban the sale, both online and in-person, of all flavored tobacco products, including mint and menthol: two flavors that have been previously exempted from bans. Prohibiting the sale of all flavors will make these products less attractive and help prevent young people from initiating tobacco use, saving lives and improving the health of Marylanders.

Sincerely,



Jessica Kiel, R.D., Chair, State Advisory Council on Health and Wellness

<sup>i</sup> 2018-2019 Maryland Youth Risk Behavior Survey/Youth Tobacco Survey (YRBS/YTS), unpublished data, retrieved 2January2020.

<sup>ii</sup> U.S. Department of Health and Human Services. E-Cigarette Use Among Youth and Young Adults. A Report of the Surgeon General. Atlanta, GA: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2016 Accessed 19 February 2019 at [https://e-cigarettes.surgeongeneral.gov/documents/2016\\_SGR\\_Full\\_Report\\_508.pdf](https://e-cigarettes.surgeongeneral.gov/documents/2016_SGR_Full_Report_508.pdf).

<sup>iii</sup> Courtemanche CJ et al., Influence of the Flavored Cigarette Ban on Adolescent Tobacco Use *Am J Prev Med.* 2017 May; 52(5): e139–e146. doi: [10.1016/j.amepre.2016.11.019](https://doi.org/10.1016/j.amepre.2016.11.019).

<sup>iv</sup> Lee JGL., A Systematic Review of Neighborhood Disparities in Point-of-Sale Tobacco Marketing. Sept 2015 *Amer J Pub Health* 105 e8\_e18. <https://www.ncbi.nlm.nih.gov/pubmed/26180986>.

<sup>v</sup> Fallin A et al., Menthol Cigarette Smoking among Lesbian, Gay, Bisexual, and Transgender Adults. *American Journal of Preventive Medicine.* 2015;48(1):93-97 <https://www.ncbi.nlm.nih.gov/pubmed/25245795>.

<sup>vi</sup> Lawrence, D et al. National patterns and correlates of mentholated cigarette use in the United States. *Addiction.* 2010 Dec;105 Suppl 1:13-31. doi: [10.1111/j.1360-0443.2010.03203.x](https://doi.org/10.1111/j.1360-0443.2010.03203.x).

<sup>vii</sup> Levy, DT et al., Quit attempts and quit rates among menthol and nonmenthol smokers in the United States. *Am J Public Health,* 2011. 101(7): pg 1241-7. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3110228/>.

<sup>viii</sup> Ghosh A et al., Flavored little cigar smoke induces cytotoxicity and apoptosis in airway epithelia. *Cell Death Discov.* 2017; 3: 17019. Published online 2017 Apr 24. doi: [10.1038/cddiscovery.2017.19](https://doi.org/10.1038/cddiscovery.2017.19).

<sup>ix</sup> Higham A et al., Electronic Cigarette exposure triggers neutrophil inflammatory responses.<sup>ix</sup> *Respir Res* 17: 56 (2016). <https://www.ncbi.nlm.nih.gov/pubmed/27184092>.

<sup>x</sup> Fetterman JL et al., Flavorings in Tobacco Products Induce Endothelial Cell Dysfunction Arteriosclerosis, Thrombosis and Vascular Biology 7 Jul 2018 <https://doi.org/10.1161/ATVBAHA.118.311156>.

<sup>xi</sup> Landry RL et al. The role of flavors in vaping initiation and satisfaction among U.S. adults. *Addict Behav.* 2019 Dec;99:106077. doi: [10.1016/j.addbeh.2019.106077](https://doi.org/10.1016/j.addbeh.2019.106077).